



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,787	04/10/2001	Fumiko Uchino	325772023800	9241

25227 7590 04/14/2005

MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,787

Applicant(s)

UCHINO ET AL.

Examiner

Yogesh K Aggarwal

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US Patent # 6,630,960).

[Claim 1]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (3) for capturing an image of a subject; an exposure determining element (figure 3, system control circuit 25) for determining exposure parameters in image capturing (col. 8 lines 11-23), a selector (figure 3, photo-taking mode selector 20) for selecting a type of metering process (figure 7 shows “center weighted light metering” wherein the priority is given to a central area and a landscaping mode wherein the priority is given to lower areas as shown in figure 8) from among a plurality of metering processes (center weighted or landscape mode) for determining said exposure parameters (col. 8 lines 6-54) and a control unit (25) for correcting said image through a correcting process according to a type of said metering process selected by said selector (col. 7 line 66-col. 8 line 24), wherein the image is divided into a plurality of specific areas (24 areas for

Art Unit: 2615

center weighted and 1-6 areas for landscape mode), the selected metering processes determines the exposure parameters in at least one of the specific areas; and the corrector individually corrects the specific areas of the image according to the determined exposure parameters of the specific areas (col. 7 line 50-col. 8 line 60).

[Claim 3]

Takahashi et al. teaches a control unit (figure 3, element 25) corrects exposure based upon different modes selected by the unit 20 which further correspond to different metering processing as illustrated in figures 7 and 8 (col. 8 lines 24-45).

[Claim 4]

Takahashi et al. teaches a control unit 25 determines a relation between luminance (brightness) in the image and said subject on the basis of a result of different phototaking modes and based on the relation corrects the exposure (col. 18 lines 31-61).

[Claim 5]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (figure 3, element 3) for capturing an image of a subject; an exposure determining element (figure 3, element 25) for determining exposure parameters in image capturing, a meter (figure 3, element 25) for performing metering process in determination of said exposure parameters in which brightness in a specific area is weighted within an image capturing range (col. 5 lines 52-67, figure 4) and a corrector (figure 3, element 25) for correcting said image on the basis of values of pixels corresponding to said specific area (col. 6 lines 1-22). Takahashi further teaches a photographing mode having high contrast (col. 37 lines 11-14), which would inherently involve the control unit to optimize an image based on contrast.

Art Unit: 2615

[Claim 6]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (3) for capturing an image of a subject; an exposure determining element (25) for determining exposure parameters in image capturing, a meter (25) for performing metering process in determination of said exposure parameters, including brightness in which a plurality of areas in an image capturing range are metered (col. 7 line 50-col. 8 line 23, luminance is same as brightness), a divider (25) for dividing said image on the basis of positions of said plurality of areas (col. 8 lines 7-11) and a corrector (25) for correcting each of said plurality of divided areas individually according to a distribution of brightness in the image, as determined by the metering process (col. 8 lines 11-55).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
April 9, 2005


TUAN HO
PRIMARY EXAMINER